

3:13-cv-623
WJM

Date: 11/07/13

To: U.S. District Court
301 Bruce R. Thompson U.S. Courthouse & Federal Bldg.
400 South Virginia Street
Reno, NV 89501-2193

From: Vincent J. Barbato, Bap Deputy Clerk
U.S. Bankruptcy Appellate Panel (BAP)
125 South Grand Avenue
Pasadena, CA 91105

BAP#: NV-13-1515

Bk.Ct.#: N-12-52615-BTB

Bk.Ct.
Appeal
Ref#: 13-23

Debtor: CARRUTH, Ronald Scott

RE: Notice of Appeal Transferred from the BAP to the U.S.
District Court

3:13-cv-623

<input type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
NOV 12 2013	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

Memo:

Please find the hard copies of the BAP file pertaining to BAP#: NV-13-1515 / Debtor: CARRUTH. Said appeal was transferred, via email, to your court on 11/06/13.

If you have any questions, please do not hesitate to contact our office. Thank you for your cooperation.

U.S. Bankruptcy Appellate Panel
of the Ninth Circuit

125 South Grand Avenue, Pasadena, California 91105
Appeals from Central California (626) 229-7220
Appeals from all other Districts (626) 229-7225

In Re: RONALD SCOTT CARRUTH

BAP No.: NV-13-1515

Bk. Ct. No.: N-12-52615-BTB

RE: Notice of Appeal Filed on 10/17/13

Bk.Ct. Appeal Reference#: 13-23

NOTICE OF TRANSFER OF APPEAL TO DISTRICT COURT

A party to the appeal has timely filed an objection (statement of election) to the disposition of this matter by the Bankruptcy Appellate Panel. See 28 USC Section 158. Consequently, this appeal is herewith transferred to the U.S. District Court (Reno, Nevada).

Please acknowledge receipt of the case file listed above by signing and returning a copy of this transmittal form.

Susan M Spraul, BAP Clerk

By: Vincent Barbato, Deputy Clerk

Date: November 6, 2013

Please acknowledge receipt of
the case file listed above.

Dated: _____

Signed: _____
District Court Deputy

Assigned District Court No.

cc: Bankruptcy Court
All Parties

13-1515

General Docket
U. S. Bankruptcy Appellate Panel for the Ninth Circuit

Bankruptcy Appellate Panel Docket #: 13-1515
 Ronald Carruth v. UST/RENO
Appeal From: Nevada - Reno
Fee Status: fee paid

Docketed: 10/21/2013
Termed: 11/06/2013

Case Type Information:

- 1) Bankruptcy
- 2) Chapter 13 Non-Business
- 3) null

Originating Court Information:

District: 0978-3 : 12-52615

Trial Judge: Bruce T. Beesley, U.S. Bankruptcy Judge

Date Filed: 11/16/2012

Date Order/Judgment:

10/03/2013

Date NOA Filed:

10/17/2013

Date Rec'd BAP:

10/21/2013

Prior Cases:

None

Current Cases:

None

Panel Assignment: Not available

In re: RONALD SCOTT CARRUTH
 Debtor

RONALD SCOTT CARRUTH
 Appellant

Robert Howard Broili, Esquire, Attorney
 Direct: 775-323-6464
 [COR LD NTC Retained]
 BARBER LAW GROUP
 557 Washington Street
 Reno, NV 89503

v.

UST- UNITED STATES TRUSTEE, RENO
 Appellee

William B. Cossitt, Trial Attorney
 Direct: 775-784-5335
 [NTC US Attorney]
 Office of The United States Trustee
 C. Clifton Young Federal Building
 Suite 3009
 300 Booth Street
 Reno, NV 89509-0000

WILLIAM ALBERT VAN METER, Chapter 13
Trustee
Appellee

William Albert Van Meter
Direct: (775)324-2500
[NTC Pro Se]
Reno Chapter 13 Trust
P.O. Box 6630
Reno, NV 89513-0000

In re: RONALD SCOTT CARRUTH

Debtor

RONALD SCOTT CARRUTH

Appellant

v.

UST- UNITED STATES TRUSTEE, RENO; WILLIAM ALBERT VAN METER, Chapter 13
Trustee

Appellees

- | | | |
|------------|----------|--|
| 10/21/2013 | <u>1</u> | Received NOTICE OF APPEAL filed in Bankruptcy Court on 10/17/2013; NOTICE OF REFERRAL; BK.CT. APPEAL MEMORANDUM (RE: Notice of Appeal); TRANSMITTAL FORM & COPY 10/03/2013 BK.CT. ORDER DISMISSING CASE WITH PREJUDICE. (VB) |
| 10/21/2013 | <u>2</u> | Sent BRIEFING ORDER & NOTICE to appellant Ronald Scott Carruth. Copies to all parties. Sent Bankruptcy Record Request Form to Bankruptcy Court. Appellant Ronald Scott Carruth's opening brief due 12/05/2013. LETTER sent - RE: Availability of Appellate Mediation Program. (VB) |
| 10/21/2013 | <u>3</u> | Received from Bankruptcy Court - COPY APPELLANT'S DESIGNATION OF RECORD; COPY APPELLANT'S STATEMENT OF ISSUES & COPY APPELLANT'S NOTICE REGARDING ORDERING OF TRANSCRIPTS filed in Bk.Ct. on 10/17/2013. (VB) |
| 10/21/2013 | <u>4</u> | Sent NOTICE OF DEFICIENT NOTICE OF APPEAL to Attorney Robert H. Broili for Appellant Ronald Scott Carruth - RE: no opposing parties listed in the notice of appeal. --[Edited 10/21/2013 by VB] (VB) |
| 10/28/2013 | <u>5</u> | Received from Attorney Robert H. Broili for Appellant Ronald Scott Carruth (original + 0 copies) - APPELLANT'S RESPONSE TO NOTICE OF DEFICIENT NOTICE OF APPEAL. Notice of deficiency satisfied. (NOTE: No proof of service provided with this |

10/28/2013	<u>6</u>	document.) (VB)
		Sent NOTICE OF MANDATORY ATTORNEY ELECTRONIC FILING FORM to Attorney Robert H. Broili for Appellant Ronald Scott Carruth with note that no further paper filings will be accepted. (VB)
11/05/2013	<u>7</u>	Filed (ECF) Party William Albert Van Meter's Objection to BAP jurisdiction; served on 11/05/2013 US mail - Attorney for Appellant: Broili; email - Attorney for Appellees: Cossitt, Van Meter. (WAV)
11/06/2013	<u>8</u>	NOTICE sent 11/06/2013 to District Court transferring appeal per appellee's statement of election (objection to BAP). (VB)
11/06/2013	<u>9</u>	CLOSED: Case closed: Election without judicial action; 11/06/2013; NV-13-1515; Transferred by election. (VB)

**U.S. Bankruptcy Appellate Panel
of the Ninth Circuit**

125 South Grand Avenue, Pasadena, California 91105

Appeals from Central California (626) 229-7220

Appeals from all other Districts (626) 229-7225

In Re: RONALD SCOTT CARRUTH

BAP No.: NV-13-1515

Bk. Ct. No.: N-12-52615-BTB

RE: Notice of Appeal Filed on 10/17/13

Bk.Ct. Appeal Reference#: 13-23

NOTICE OF TRANSFER OF APPEAL TO DISTRICT COURT

A party to the appeal has timely filed an objection (statement of election) to the disposition of this matter by the Bankruptcy Appellate Panel. See 28 USC Section 158. Consequently, this appeal is herewith transferred to the U.S. District Court (Reno, Nevada).

Please acknowledge receipt of the case file listed above by signing and returning a copy of this transmittal form.

Susan M Spraul, BAP Clerk

By: Vincent Barbato, Deputy Clerk

Date: November 6, 2013

Please acknowledge receipt of
the case file listed above.

Dated: _____

Signed: _____
District Court Deputy

Assigned District Court No.

cc: Bankruptcy Court
All Parties

1 WILLIAM A. VAN METER, ESQ.
 2 Nevada State Bar No. 2803
 3 Standing Chapter 13 Trustee
 4 P.O. Box 6630
 5 Reno, Nevada 89509
 6 (775) 324-2500

5 UNITED STATES BANKRUPTCY APPELLATE PANEL
 6 OF THE NINTH CIRCUIT

7

8 In re:) BAP No: <u>NV-13-1515</u>
9 RONALD SCOTT CARRUTH, aka SCOTT) Bankruptcy Case No: <u>BK-N 12-52615-btb</u>
10 R. CARRUTH) Bk. Ct. Appeal Reference No: <u>13-23</u>
11 Debtor(s).)
<hr/>	
12 RONALD SCOTT CARRUTH,) Chapter 13
13 Appellant(s),)
14 v.)
15 OFFICE OF THE UNITED STATES) <u>STATEMENT OF ELECTION TO HAVE</u>
16 TRUSTEE, THE STANDING CHAPTER 13) <u>APPEAL HEARD BY THE UNITED</u>
17 TRUSTEE, WILLIAM A. VAN METER, and) <u>STATES DISTRICT COURT FOR THE</u>
18 DARRELL EVANS,) <u>DISTRICT OF NEVADA</u>
19 Appellee(s).)
<hr/>	

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22 Appellant's Notice of Appeal was filed with the Bankruptcy Court on October 17, 2013.

23 Pursuant to 28 U.S.C. § 158(c)(1) and Fed. R. Bankr. P. 8001(e)(1), Appellee, William A. Van

24 Meter, the Standing Chapter 13 Trustee, hereby elects to have this appeal heard by the United

25 States District Court for the District of Nevada.

26 Dated: October 31, 2013

27 /S/ WILLIAM A. VAN METER
 28 WILLIAM A. VAN METER, ESQ.

WILLIAM A. VAN METER
 CHAPTER 13 TRUSTEE
 P.O. Box 6630
 Reno, NV 89509
 (775) 324-2500

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Bankr. P. 9014 and 7005, I Mary Rivinius hereby swear under penalty of perjury that I am over the age of 18, not a party to the within action, and that on October 31, 2013, I caused the **ELECTION TO HAVE APPEAL HEARD BY THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA** to be served by first class mail to:

5 Robert H. Broili, Esq.
6 557 Washington Street
Reno, NV 89503

7 William B. Cossitt, Esq.
8 Office of the United States Trustee
300 Booth Street, #2129

9 William M. O'Mara, Esq.
0 311 East Liberty Street
Reno, NV 89501

11 | DATED: October 31, 2013

/S/ MARY RIVINIUS
Mary Rivinius

U.S. Bankruptcy Appellate Panel of the Ninth Circuit

125 South Grand Avenue, Pasadena, California 91105

Appeals from Central California (626) 229-7220

Appeals from all other Districts (626) 229-7225

To: Robert H. Broili, Esq. (Counsel for Appellant)
557 Washington Street
Reno, NV 89503-0000

RE: RONALD SCOTT CARRUTH

Appellant: Ronald Scott Carruth

BAP No.: NV-13-1515

Bk. No.: S-12-52615

RE: *Notice of Appeal Filed on 10/17/13*

Notice of Mandatory Attorney Electronic Filing

You are listed as counsel of record for a party in this appeal. As explained in the Opening Letter issued in this case, electronic filing is **mandatory** for all attorneys for all cases filed with the BAP on or after March 31, 2010.

Rule 1 of the Administrative Order Regarding Electronic Filing in BAP Cases provides as follows:

Rule 1 - Effective Date; Electronic Filing Mandatory for Attorneys

(a) For all BAP cases filed on or after March 31, 2010, electronic filing using the BAP's Case Management/ Electronic Case Filing (CM/ECF) docketing system is mandatory for all attorneys unless the BAP grants a request to be exempted from the requirement.

Nonetheless, you have submitted a document for filing in paper format. The document (*response to notice of deficient notice of appeal*) you submitted has been filed. However, no further paper filings will be accepted.

Please register for CM/ECF with the BAP as soon as possible. Be advised that the registration process may take more than one day, so do not wait until the day you wish to file something to begin the registration process.

You may register by following the links on the BAP website: <http://www.bap9.uscourts.gov>

Once you are at the BAP homepage, select "Electronic Case Files (ECF)" on the left side of the screen, then select "Register" at the next screen. The link will take you to the Public Access to Court Electronic Records ("PACER") website where you can register as a new user, or you may update an existing appellate filer account to add the BAP as a court in which you wish to file.

If you are already a registered ECF filer with the BAP and you believe you have received this notice in error, please contact the BAP clerk's office at (626) 229-7225.

By: Vincent Barbato, Deputy Clerk

Date: October 28, 2013

BAP No.: NV-13-1515

Re: CARRUTH, Ronald Scott

PARTY INFORMATION**Party Information****Attorney Information**

RECEIVED
 Susan M. Spraul, Clerk
 U.S. BKCY. APP. PANEL
 OF THE NINTH CIRCUIT

Debtor's Name:

RONALD SCOTT CARRUTH**OCT 28 2013**

Appellant's Name

Ronald Scott Carruth

Attorney Name:

FILED _____
 DOCKETED 10/28/13 V.C.B.
 DATE 10/28/13 INITIAL V.C.B.

Robert H. Broili, Esq.
 Barber Law Group
 557 Washington Street
 Reno, NV 89503
 (P) 775-323-6464
 (F) 775-323-1676
 Email: robert@nevadaslawfirm.com

Appellees' Names

Attorney Name:

Office of the United States Trustee

William B. Cossitt, Esq.
 Office of the United States Trustee
 300 Booth Street, Room 3009
 Reno, NV 89509
 (P) 775-784-5335
 (F) 775-784-5531
 Email:
 USTPRRegion17.RE.ECF@usdoj.gov

The Standing Chapter 13, Trustee,
William A. Van Meter

William A. Van Meter, Esq.
 P.O. Box 6630
 Reno, NV 89513
 (P) 775-324-2500
 (F) 775-324-3313

**U.S. Bankruptcy Appellate Panel
of the Ninth Circuit**

125 South Grand Avenue, Pasadena, California 91105
Appeals from Central California (626) 229-7220
Appeals from all other Districts (626) 229-7225

To: Robert H. Broili, Esq.
557 Washington Street
Reno, NV 89503-0000

Date: October 21, 2013

In Re: RONALD SCOTT CARRUTH

BAP No: NV-13-1515

Bankruptcy No: N-12-52615-BTB

RE: *Notice of Appeal Filed on 10/17/13* **Bk.Ct. Appeal Reference#:** 13-23

Subject: NOTICE OF DEFICIENT NOTICE OF APPEAL

Notice of appeal in this case has been received by the Bankruptcy Appellate Panel and assigned the case number appearing above.

The notice of appeal is deficient in that it does not comply with Federal Rule of Bankruptcy Procedure 8001(a), which requires the notice of appeal to "contain the names of all parties to the judgment, order, or decree appealed from and the names, addresses and telephone numbers of their respective attorneys...."

Please immediately comply with this rule by filing this information with the BAP Clerk.

Susan M Spraul, BAP Clerk

By: Vincent Barbato, Deputy Clerk

Date: October 21, 2013

4

BAP#: NV-13-1515

RE: CARRUTH, Ronald Scott

PARTY INFORMATION

Party Information

Respective Attorney Information

Debtor's Name:

RONALD SCOTT CARRUTH

Appellant's Name:

Ronald Scott Carruth

Attorney Name:

Robert H. Broili, Esq.
Barber Law Group
557 Washington Street
Reno, NV 89503
(P) 775-323-6464
(T) 775-323-1676
Email: robert@nevadaslawfirm.com

Appellee(s) Name:

Attorney Name:

NOTE: Please list ALL parties involved in this appeal. Once the form has been completed, please return it to the U.S. Bankruptcy Appellate Panel (BAP).

ROBERT H. BROILI, ESQ., SBN 115942

Barber Law Group
557 Washington Street
Reno, NV 89503

Telephone: (775) 323-6464
Facsimile: (775) 323-1676
Electronic Mail: robert@nevadaslawfirm.com

Attorney for the Debtor and Appellant
Ronald Scott Carruth

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re: Case No. BK-N-12-52615-BTB

RONALD SCOTT CARRUTH Chapter 13

Debtor.

**DEBTOR'S DESIGNATION OF
RECORD ON APPEAL**

[No hearing set]

**TO THE HONORABLE BRUCE T. BEESLEY, U.S. BANKRUPTCY JUDGE AND
OTHER PARTIES IN INTEREST:**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, Appellant Ronald Scott Carruth, the Debtor herein, designates the following materials as the record on appeal:

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Doc. No.	Dates	Description
44	Filed and Entered: 07/15/2013	Document
45	Filed and Entered: 07/15/2013	Declaration
46	Filed and Entered: 07/15/2013	Errata
47	Filed and Entered: 07/16/2013	Amended Chapter 13 Plan
50	Filed and Entered: 07/30/2013	Objection to Confirmation of the Plan
51	Filed and Entered: 07/31/2013 Terminated: 10/03/2013	Motion to Dismiss
56	Filed and Entered: 08/16/2013	Response
57	Filed and Entered: 08/16/2013	Objection to Confirmation of the Plan
67	Filed and Entered: 10/03/2013	Order on Motion to Dismiss Case

Dated: October 17, 2013

By: /s/ Robert H. Broili
ROBERT H. BROILLI, Attorney
for the Debtor and Appellant
Ronald Scott Carruth

1 ROBERT H. BROILI, ESQ., SBN 3685
2 Barber Law Group
3 Reno, NV 89503
4 Telephone: (775) 323-6464
5 Facsimile: (775) 323-1676
6 Electronic Mail: robert@nevadaslawfirm.com

7
8 Attorney for the Debtor and Appellant
9 Ronald Scott Carruth
10
11

12 **UNITED STATES BANKRUPTCY COURT**

13 **DISTRICT OF NEVADA**

14 In re: Case No.: BK-N-12-52615-BTB
15
16 RONALD SCOTT CARRUTH, Chapter 13
17 Debtor.
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19 **DEBTOR'S STATEMENT OF ISSUES
ON APPEAL**

20 [No hearing set]

21 /
22 **TO THE HONORABLE BRUCE T. BEESLEY, U.S. BANKRUPTCY JUDGE AND
23 OTHER PARTIES IN INTEREST:**

24 Appellant Ronald Scott Carruth, the Debtor herein, hereby states, pursuant to Rule 8006
25 of the Federal Rules of Bankruptcy Procedure, his intention to present the following issues on
26 appeal:
27

- 28 1. Did the Bankruptcy Court err when it ruled on September 18, 2013 that the Debtor
had acted in bad faith in the course of his Chapter 13 bankruptcy case?
2. Did the Bankruptcy Court err when it ruled on September 18, 2013 that the Debtor's
Chapter 13 bankruptcy case be dismissed with prejudice to the Debtor from filing another

1 bankruptcy case in any jurisdiction for the period of three years following the entry of the Order
2 on October 3, 2013 without applying for and obtaining the prior written permission of this Court
3 (Docket No. 67)?

4 3. Did the Bankruptcy Court err in not simply dismissing the Debtor's Chapter 13
5 bankruptcy case on jurisdictional grounds with leave to re-file in the correct jurisdiction based on
6 the Debtor's actual place of residence?

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10 Dated: October 17, 2013

11 By: /s/ Robert H. Broili
12 ROBERT H. BROILI, Attorney
13 for the Debtor and Appellant
14 Ronald Scott Carruth

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ROBERT H. BROILI, ESQ., SBN 3685
Barber Law Group
557 Washington Street
Reno, NV 89503
Telephone: (775) 323-6464
Facsimile: (775) 323-1676
Electronic Mail: robert@nevadaslawfirm.com

Attorney for the Debtor and Appellant,
Ronald Scott Carruth

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re: Case No.: BK-N-12-52615-BTB

RONALD SCOTT CARRUTH, Chapter 13

Debtor.

DEBTOR'S NOTICE REGARDING ORDERING OF TRANSCRIPTS

[No hearing set]

**TO THE HONORABLE BRUCE T. BEESLEY, U.S. BANKRUPTCY JUDGE AND
OTHER PARTIES IN INTEREST:**

Pursuant to Rule 8007 of the Federal Rules of Bankruptcy Procedure, Appellant Ronald Scott Carruth, the Debtor herein, hereby gives notice that a complete transcript of the hearing of September 18, 2013 was ordered from the Clerk of the Court on October 16, 2013.

Dated: October 17, 2013

By: /s/ Robert H. Broili
ROBERT H. BROILI, Attorney
for the Debtor and Appellant Ronald
Scott Carruth

**U.S. Bankruptcy Appellate Panel
of the Ninth Circuit**

125 South Grand Avenue, Pasadena, California 91105
Appeals from Central California (626) 229-7220
Appeals from all other Districts (626) 229-7225

To: Robert H. Broili, Esq.
557 Washington Street
Reno, NV 89503-0000

Date: October 21, 2013 **In Re:** RONALD SCOTT CARRUTH

BAP No: NV-13-1515 **Bankruptcy No:** N-12-52615-BTB

RE: *Notice of Appeal Filed on 10/17/13* **Bk.Ct. Appeal Reference#:** 13-23

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Please immediately comply with this rule by filing this information with the BAP Clerk.

Susan M Spraul, BAP Clerk

By: Vincent Barbato, Deputy Clerk

Date: October 21, 2013

BAP#: NV-13-1515

RE: CARRUTH, Ronald Scott

PARTY INFORMATION

Party Information

Respective Attorney Information

Debtor's Name:

RONALD SCOTT CARRUTH

Appellant's Name:

Ronald Scott Carruth

Attorney Name:

Robert H. Broili, Esq.
Barber Law Group
557 Washington Street
Reno, NV 89503
(P) 775-323-6464
(T) 775-323-1676
Email: robert@nevadaslawfirm.com

Appellee(s) Name:

Attorney Name:

NOTE: Please list ALL parties involved in this appeal. Once the form has been completed, please return it to the U.S. Bankruptcy Appellate Panel (BAP).

ROBERT H. BROILI, ESQ., SBN 3685
Barber Law Group
Reno, NV 89503
Telephone: (775) 323-6464
Facsimile: (775) 323-1676
Electronic Mail: robert@nevadaslawfirm.com

Attorney for the Debtor and Appellant
Ronald Scott Carruth

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re: Case No.: BK-N-12-52615-BTB

RONALD SCOTT CARRUTH,
Debtor.
Chapter 13

**DEBTOR'S STATEMENT OF ISSUES
ON APPEAL**

[No hearing set]

**TO THE HONORABLE BRUCE T. BEESLEY, U.S. BANKRUPTCY JUDGE AND
OTHER PARTIES IN INTEREST:**

Appellant Ronald Scott Carruth, the Debtor herein, hereby states, pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, his intention to present the following issues on appeal:

1. Did the Bankruptcy Court err when it ruled on September 18, 2013 that the Debtor had acted in bad faith in the course of his Chapter 13 bankruptcy case?

2. Did the Bankruptcy Court err when it ruled on September 18, 2013 that the Debtor's Chapter 13 bankruptcy case be dismissed with prejudice to the Debtor from filing another

1 bankruptcy case in any jurisdiction for the period of three years following the entry of the Order
2 on October 3, 2013 without applying for and obtaining the prior written permission of this Court
3 (Docket No. 67)?

4 3. Did the Bankruptcy Court err in not simply dismissing the Debtor's Chapter 13
5 bankruptcy case on jurisdictional grounds with leave to re-file in the correct jurisdiction based on
6 the Debtor's actual place of residence?

8
9
10 Dated: October 17, 2013

11 By: /s/ Robert H. Broili
12 ROBERT H. BROILLI, Attorney
13 for the Debtor and Appellant
14 Ronald Scott Carruth

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1 ROBERT H. BROILI, ESQ., SBN 3685
2 Barber Law Group
3 557 Washington Street
4 Reno, NV 89503
5 Telephone: (775) 323-6464
6 Facsimile: (775) 323-1676
7 Electronic Mail: robert@nevadaslawfirm.com

8 Attorney for the Debtor and Appellant,
9 Ronald Scott Carruth

10 **UNITED STATES BANKRUPTCY COURT**

11 **DISTRICT OF NEVADA**

12 In re: Case No.: BK-N-12-52615-BTB

13 RONALD SCOTT CARRUTH, Chapter 13

14 Debtor.

15 **DEBTOR'S NOTICE REGARDING
ORDERING OF TRANSCRIPTS**

16 [No hearing set]

17 _____ /
18 **TO THE HONORABLE BRUCE T. BEESLEY, U.S. BANKRUPTCY JUDGE AND
19 OTHER PARTIES IN INTEREST:**

20 Pursuant to Rule 8007 of the Federal Rules of Bankruptcy Procedure, Appellant Ronald
21 Scott Carruth, the Debtor herein, hereby gives notice that a complete transcript of the hearing of
22 September 18, 2013 was ordered from the Clerk of the Court on October 16, 2013.
23

24 Dated: October 17, 2013

25 By: /s/ Robert H. Broili
26 ROBERT H. BROILI, Attorney
27 for the Debtor and Appellant Ronald
28 Scott Carruth

UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT

FILED

In re: RONALD SCOTT CARRUTH

OCT 21 2013

Debtor

BAP No.: NV-13-1515

SUSAN M. SPRAUL, CLERK
U.S. BKCY. APP. PANEL
OF THE NINTH CIRCUIT

Bk.Ct. Appeal Refer#: 13-23

Bankr. No.: N-12-52615-BTB

Chapter 13

RONALD SCOTT CARRUTH

Appellant

v.

UST- UNITED STATES TRUSTEE, RENO

October 21, 2013

Appellee

**BRIEFING ORDER
(Prompt Action Required)**

Unless otherwise ordered by this court, the parties to this appeal shall timely complete all of the briefing deadlines set forth below. Failure of the parties to comply with these deadlines may result in dismissal of this appeal or in the imposition of other sanctions. These deadlines control and supersede any briefing deadlines contemplated by the Federal Rules of Bankruptcy Procedure ("FRBP").

Last day for appellant(s) to file opening brief and appendix: [DUE DATE: THURSDAY, DECEMBER 5, 2013].

Last day for appellee(s) to file responsive brief and appendix: Twenty-One days after service of appellant's opening brief.

Last day for appellant(s) to file optional reply brief: Fourteen days after service of appellee's reply brief.

Requirements for filing a brief, an appendix (excerpts of the record), and required certificates are set forth in FRBP 8009 and 8010, and Ninth Circuit BAP Rules 8009(a)-1, 8009(b)-1, and 8010(a)-1. Length of briefs is governed by Ninth Circuit BAP Rule 8010(c)-1. See also 9th Cir. BAP Rule 8006-1 (describing requirements for the inclusion of transcripts in the excerpts of the record).

Attorneys must file briefs electronically via ECF. See the Order Regarding Electronic Filing in BAP Cases available on the BAP website www.bap9.uscourts.gov. Colored covers and additional copies are not required for electronically filed briefs.

The parties generally should expect that oral argument will occur shortly after briefing is completed. Please refer to the attached materials regarding advance consideration of issues concerning oral argument.

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FAILURE OF APPELLANT TO TIMELY PROVIDE AN ADEQUATE OPENING BRIEF AND ADEQUATE EXCERPTS OF THE RECORD IN COMPLIANCE WITH THE GOVERNING RULES MAY RESULT IN DISMISSAL OF THE APPEAL, OR IN SUMMARY AFFIRMANCE OF THE RULING ON APPEAL. See Morrissey v. Stuterville (In re Morrissey), 349 F.3d 1187 (9th Cir. 2003).

FOR THE PANEL,

Susan M Spraul
Clerk of Court

SUMMARY OF REQUIREMENTS FOR BRIEFS AND EXCERPTS OF THE RECORD

This Summary is intended to help the parties file their briefs and appendix in the proper format, but it is not a substitute for reading and complying with all of the procedural rules listed in the Briefing Order, which rules govern the format and content of each brief and appendix. Briefs that do not comply with national and local rules may not be accepted for filing. Your attention is particularly called to the following requirements:

LENGTH -- Thirty pages for the opening briefs of appellant and appellee. Twenty pages for appellant's reply brief, if any.

NUMBER -- For non-electronic filers: a signed original and four copies of all briefs; for electronic filers: no paper copies of the briefs; for all filers: five copies of the excerpts of the record.

COVERS -- For non electronic briefs only: appellant's opening brief - BLUE; appellee's brief - RED. appellant's reply brief - GRAY; all excerpts of the record - WHITE.

APPENDIX (Excerpts of The Record) -- The parties are required to include copies of all relevant documents from the bankruptcy court record, including transcripts, in their excerpts.

FORMAT OF APPENDIX -- The Appendix must comply with the requirements of 9th Cir. BAP Rule 8009 (b) - 1. FAILURE TO TAB ALL DOCUMENTS IN THE APPENDIX, TO CONTINUOUSLY PAGINATE THE ENTIRE APPENDIX, AND TO PROVIDE A TABLE OF CONTENTS IN THE FORM SPECIFIED IN THE ABOVE-REFERENCED RULE MIGHT SEVERELY HAMPER THE PANEL'S REVIEW OF THE ISSUES ON APPEAL.

CERTIFICATES -- Both appellant's and appellee's opening brief must contain a Certificate of Interested Parties. Appellants brief must also contain a Certificate of Related Cases.

CALCULATION OF TIME -- Briefs are deemed filed on the day of mailing. FRBP 8008(a).

ADVANCE CONSIDERATION OF ISSUES CONCERNING ORAL ARGUMENT

While the parties are briefing, the BAP is considering where and when to set oral argument. Because the BAP seeks to set argument as soon as practical after briefing is completed, any stipulations, motions or notices concerning oral argument should be filed at the earliest possible time, generally with a party's first brief. While appeals typically are set for hearing in the bankruptcy district from which the appeal arose whenever feasible, the parties may file a stipulation or motion requesting an alternative hearing location or a hearing by telephone or video conference. The parties also may file a stipulation or motion to submit their appeal on the briefs and record, thereby waiving oral argument.

All parties should carefully review the dates on the BAP's annual hearing calendar located on the BAP's website: <http://www.bap9.uscourts.gov>. This calendar contains dates that the BAP judges have set aside for argument, and it is likely that your appeal will be set for hearing on one of these dates. If a party knows or suspects that he or she will be unavailable on one of these dates, he or she should file as soon as possible a notice of unavailability, stating the dates on which he or she is unavailable. Once a case has been scheduled for argument, continuances and requests to change time or place are rarely granted.

CERTIFICATE OF MAILING

The undersigned, deputy Clerk of the U.S. Bankruptcy Appellate Panel of the Ninth Circuit, hereby certifies that a copy of the document to which this certificate is attached was transmitted this date to all parties of record to this appeal, to the United States Trustee and to the Clerk of the Bankruptcy Court.

By: Vincent Barbato, Deputy Clerk
Date: October 21, 2013

**U.S. Bankruptcy Appellate Panel
of the Ninth Circuit**

125 South Grand Avenue, Pasadena, California 91105
Appeals from Central California (626) 229-7220
Appeals from all other Districts (626) 229-7225

RE: RONALD SCOTT CARRUTH

Appellant: Ronald Scott Carruth

BAP No.: NV-13-1515

Bk.Ct. Appeal Reference#: 13-23

Bk. No.: N-12-52615-BTB

RE: *Notice of Appeal Filed 10/17/13*

OPENING LETTER

Notice of Appeal in this case has been received by the Bankruptcy Appellate Panel (BAP) and assigned the case number above.

For all BAP cases filed on or after March 31, 2010, electronic filing using the BAP's Case Management/Electronic Case Filing (CM/ECF) docketing system is **mandatory** for all attorneys. Please review the Administrative Order Regarding Electronic Filing in BAP Cases available on the BAP website www.bap9.uscourts.gov for further information.

For non-attorneys, all papers filed with the BAP should be in the form of an original and three copies.

The BAP docket and other court information is available through the National PACER system.
<http://www.bap9.uscourts.gov>

Enclosed are the 9th Cir. BAP Rules governing practice before the BAP. Appeals are also governed by Parts VIII and IX of the Federal Rules of Bankruptcy Procedure (F.R.B.P.), and some parts of the Federal Rules of Appellate Procedure (F.R.A.P.) See 9th Cir. BAP Rule 8018(b)-1.

Pursuant to 9th Cir. Rule 8001(a)-1, please immediately send the BAP Clerk a copy of the signed and entered order or judgment being appealed if it was not attached to your notice of appeal.

After a Notice of Appeal has been filed, the parties' next step in prosecuting this appeal is compliance with F.R.B.P 8006 and 8007, which require Appellant to file within 14 days in the bankruptcy court a designation of the record, statement of issues on appeal, and a notice regarding the ordering of transcripts. Under these rules Appellee may also file a supplemental designation of the record and order transcripts. The party ordering the transcripts must make satisfactory arrangements for payment of their costs.

Even if transcripts are not ordered, Appellant is required to file with the bankruptcy court a notice stating that none are required. See also 9th Cir. BAP R. 8006-1.

The parties should note that the designation of the record under F.R.B.P. 8006 is a necessary procedural step in prosecuting an appeal and the parties may not later include in their excerpts of the record documents which have not been designated.

The record and bankruptcy file remain with the Clerk of the bankruptcy court and the Panel reviews only those items which are reproduced and included in the excerpts of the record filed at the time of the briefs. While the Panel may call up the formal record, in practice this rarely occurs.

Further, it is the parties' responsibility to monitor the appeal to ensure that transcripts are timely filed and the record is completed in a timely manner. Under F.R.B.P. 8007(a), the court reporter is required to file transcripts within 30 days of receipt of the parties' request, unless an extension has been granted.

After the record is complete, the Clerk of the bankruptcy court will send a Certificate of Record, sometimes referred to as a Certificate of Readiness or Certificate of Transcripts, to the BAP Clerk.

Appeals are set for hearing in the bankruptcy district from which the appeal arose whenever feasible. To expedite the appeal or if the parties feel argument is unnecessary, they may file a stipulation or motion to submit their appeal on the briefs and record, thereby waiving oral argument. The Panel will also consider stipulations requesting an alternative hearing location or hearing by telephone conference. Such motions should be filed at the earliest possible scheduled date, generally with the opening brief, as once a case has been scheduled for argument, continuance and request of change time and place are rarely granted.

CERTIFICATE OF MAILING

The undersigned, deputy clerk of the U.S. Bankruptcy Appellate Panel of the Ninth Circuit, hereby certifies that a copy of the document on which this certificate appears was transmitted this date to all parties of record to this appeal.

By: Vincent Barbato, Deputy Clerk

Date: October 21, 2013

**U.S. Bankruptcy Appellate Panel
of the Ninth Circuit**

125 South Grand Avenue, Pasadena, California 91105

Appeals from Central California (626) 229-7220

Appeals from all other Districts (626) 229-7225

To: Party Counsel
Debtor(s): RONALD SCOTT CARRUTH
BAP No.: NV-13-1515
Case: Ronald Carruth v. UST/RENO
Bk. Ct. No.: N-12-52615-BTB

Bk.Ct. Appeal Reference#: 13-23
RE: *Notice of Appeal Filed on 10/17/13*

NOTICE OF AVAILABILITY OF APPELLATE MEDIATION PROGRAM

The Ninth Circuit Bankruptcy Appellate Panel (the BAP) offers an opportunity to mediate this appellate dispute. There is no cost to the parties. Participation is voluntary; all parties must agree to mediate.

The mediator is Judge Herb Ross, a recalled bankruptcy judge from Alaska with training in mediation and experience in appellate mediation. Judge Ross normally conducts mediation by telephone. The substantive communications with Judge Ross by the parties and their attorneys shall be confidential in the sense that they will not be admissible in any proceeding or conveyed in any manner to the BAP judges or staff.¹

Participation in mediation does not automatically stay the briefing schedule. Accordingly, you are encouraged to act promptly if you desire to take advantage of this opportunity.

If any party is interested in mediation, please send the BAP a letter indicating your interest in mediation. Alternatively, you may contact Judge Ross directly at "herb_ross@akb.uscourts.gov" or 907-271-2630.

¹ The mediator shall be permitted to advise the clerk if the parties have or have not agreed to mediate (without identifying the specific desires of any party concerning their choice), the date of any proposed mediation, and whether the case has settled (in full or part) or not.

U.S. Bankruptcy Appellate Panel

of the Ninth Circuit

125 South Grand Avenue, Pasadena, California 91105

Appeals from Central California (626) 229-7220

Appeals from all other Districts (626) 229-7225

To: Clerk, Bankruptcy Court - Reno, NV

Debtor(s): RONALD SCOTT CARRUTH

BAP No.: **NV-13-1515**

Bk.Ct. Appeal Reference#: *13-23*

Bk. Ct. No.: N-12-52615-BTB

RE: *Notice of Appeal Filed on 10/17/13*

The Bankruptcy Appellate Panel has received and docketed the notice of appeal referenced in the attached transmittal. The BAP case number is indicated above for your information.

If completion of the record has been delayed, please advise us as to the cause of the delay by completing the following checklist and sending a copy of this letter back to us:

IF THE RECORD ON APPEAL IS COMPLETE, PLEASE SEND THE CERTIFICATE OF READINESS

Susan M Spraul, BAP Clerk

By: Vincent Barbato, Deputy Clerk

Date: October 21, 2013

A) REASONS WHY THE RECORD HAS NOT BEEN COMPLETED. THE FOLLOWING ITEMS HAVE NOT BEEN FILED:

[PAID] No Filing Fees paid [PAID: 10/17/13; RECEIPT#: 14553358]

[] No Designation of Record

[] No Statement of Issues

[] No Notice Regarding the Transcript

[] No Reporter's Transcript(s)

Reporter name: _____

phone: _____

Judge: _____

Transcript date(s): _____

[] No Transcript Fees paid

[] Extension of Time Granted to Reporter:

New deadline: _____

[] Other: _____

B) DEPUTY CLERK PROCESSING THIS APPEAL

1. Name: _____

2. Phone: _____

3. Date: _____

United States Bankruptcy Court
District of Nevada

Bankruptcy Case Number 12-52615-btb

Chapter 13

Appeal Reference Number 13-23

BAP Number

In re:

RONALD SCOTT CARRUTH
aka SCOTT R. CARRUTH

Debtor(s)

RONALD SCOTT CARRUTH

Appellant(s)

vs

THE STANDING CHAPTER 13 TRUSTEE,
WILLIAM VAN METER

Appellee(s)

APPEAL TRANSMITTAL FORM, DISTRICT OFFICE NO. 0978/ 3

To: BANKRUPTCY APPELLATE PANEL OF THE NINTH CIRCUIT
125 South Grand Avenue, Pasadena, CA 91105

Appeals Filed in the Same Bankruptcy
Case or in a Related ADV Case NA

Bankruptcy Judge BRUCE T. BEESLEY

Date Notice of Appeal Filed 10/17/2013

Date of Entry of Order Appealed 10/03/2013

Date Bankruptcy Filed 11/16/2012

Other

BY THE COURT

Mary A Schott

Mary A. Schott
Clerk of the Bankruptcy Court

**United States Bankruptcy Court
District of Nevada**

Bankruptcy Case Number 12-52615-btb

Chapter 13

Appeal Reference Number 13-23

BAP Number

In re:

RONALD SCOTT CARRUTH
aka SCOTT R. CARRUTH

Debtor(s)

RONALD SCOTT CARRUTH
Appellant(s)

vs

THE STANDING CHAPTER 13 TRUSTEE,
WILLIAM VAN METER

Appellee(s)

**NOTICE OF REFERRAL OF APPEAL
TO BANKRUPTCY APPELLATE PANEL**

TO: ALL PARTIES IN APPEAL
U.S. TRUSTEE

YOU ARE HEREBY NOTIFIED that a Notice of Appeal has been filed by RONALD SCOTT CARRUTH with the Clerk of the Bankruptcy Court on 10/17/2013. By virtue of orders of the Judicial Council of the Ninth Circuit and the District Court for this district, the above appeal has been referred to the U.S. Bankruptcy Appellate Panels of the Ninth Circuit (BAP).

Any party desiring to object to such referral must do so in conformity with the foregoing orders and their provisions for reference to Bankruptcy Appellate Panel, a copy thereof being attached.

For further information, you may contact the Clerk of the Bankruptcy Appellate Panel at 125 South Grand Avenue, Pasadena, CA 91105, or phone (626)229-7225.

Dated: 10/18/13

BY THE COURT

Mary A. Schott
Clerk of the Bankruptcy Court

Parties Electronically Noticed: BANKRUPTCY APPELLATE PANEL

**United States Bankruptcy Court
District of Nevada**

Bankruptcy Case Number 12-52615-btb

Chapter 13

Appeal Reference Number 13-23

BAP Number

USDC Case Number

In re:

RONALD SCOTT CARRUTH
aka SCOTT R. CARRUTH

Debtor(s).

RONALD SCOTT CARRUTH , Appellant(s)

vs

THE STANDING CHAPTER 13 TRUSTEE, WILLIAM VAN METER , Appellee(s)

APPEAL MEMORANDUM

To: ALL PARTIES IN APPEAL

From: U.S. Bankruptcy Court
300 Booth Street
Reno, NV 89509

The following item(s) are required for the above referenced appeal to proceed timely:

Designation of Record On Appeal must be filed at the Bankruptcy Clerk's Office 14 days after the filing of the Notice of Appeal. It must include the exact hearing dates of transcripts, exact titles and filing dates of all pleadings and exhibits. If any party includes a transcript, it must immediately be ordered by filing a Transcript Order Form with the Clerk's Office and make arrangements for payment with our Electronic Court Recorders.

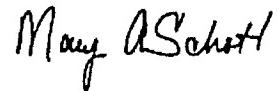
The **Statement Of Issues** must also be filed at the Bankruptcy Clerk's Office 14 days after filing the Notice of Appeal. The Appellee is allowed 14 days after service of the Appellant Statement of Issues and Designation of Record to file an Additional/Supplemental Designation of Record.

IF THE ABOVE ARE NOT COMPLIED WITH, THE BANKRUPTCY CLERK WILL FILE A STATUS REPORT WITH THE BANKRUPTCY APPELLATE PANEL OR THE U.S. DISTRICT COURT INDICATING WHY THE BANKRUPTCY CLERK HAS BEEN UNABLE TO FORWARD THE RECORD ON A TIMELY BASIS.

PLEASE NOTE THE FOLLOWING REGARDING THE RECORD ON APPEAL:

Pursuant to Local Rule 8009(a), **Excerpts of Record** shall be filed by the parties on appeals to the District Court in the same manner as required by Federal Rules Bankruptcy Procedures 8009(b) for appeals to the Bankruptcy Appellate Panel. A party filing excerpts of record with the District Court shall file two copies to be bound separately from the briefs. A party filing excerpts of record with the Bankruptcy Appellate Panel shall file the number of copies as required by the 9th Circuit Bankruptcy Appellate Panel. Copies of the designated record no longer need to be delivered to the Clerk of the Bankruptcy Court unless there is a separate request per Local Rule 8006(a)(2).

BY THE COURT



Mary A. Schott
Clerk of the Bankruptcy Court

ROBERT H. BROILI, ESQ., SBN 3685

Barber Law Group

557 Washington Street

Reno, NV 89503

Telephone: (775) 323-6464

Facsimile: (775) 323-1676

Electronic Mail: robert@ne

A

Attorney for the Debtor and Appellant,
Ronald Scott Carruth

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

Case No.: BK-N-12-52615-BTB

RONALD SCOTT CARRUTH,

Chapter 13

Debtor.

DEBTOR'S NOTICE OF APPEAL

[No hearing set]

**TO THE HONORABLE BURCE T. BEESLEY, U.S. BANKRUPTCY JUDGE AND
OTHER PARTIES IN INTEREST:**

Appellant Ronald Scott Carruth, the Debtor in the above-entitled case (the “Debtor”) hereby appeals, pursuant to 28 U.S.C. § 158 from the Order entered on October 3, 2013 by the Bankruptcy Court Dismissing the Debtor’s Chapter 13 Case with Prejudice (Docket No. 67). A copy of said Order is attached hereto as Exhibit 1.

Dated: October 17, 2013

By: /s/ Robert H. Broili
ROBERT H. BROILI, Attorney
for the Debtor and Appellant Ronald
Scott Carruth

1 EXHIBIT 1
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EXHIBIT 1

Bruce T Beasley

Honorable Bruce T. Beesley
United States Bankruptcy Judge



Entered on Docket
October 03, 2013

NICHOLAS STROZZA, ASSISTANT U.S. TRUSTEE

State Bar # CA 117234

WILLIAM B. COSSITT #3484

WILLIAM B. COSSITT, #5401
OFFICE OF THE UNITED STATES TRUSTEE

OFFICE OF THE UNITED STATES
300 Booth Street, Room 3009

300 Booth Street
Rens. NY 10500

Reno NV 89509
LISTBRRagion17 BE ECE@usdoj.gov

USTPRegion17.RE.ICF@
Telephone: (775) 784-5335

Telephone: (775) 784-5
Fax: (775) 784-5531

Fax: (7)

Attorney for Acting United States Trustee

August B. Landis

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:) Case no: BK-N-12-52615-BTB

Chapter: 13

RONALD SCOTT CARRUTH

) ORDER DIS

PREJUDICE

10. *Constitutive and regulatory genes in the *lactose operon**

Hearing Date: September 18, 2013

Debtor) Hearing Time: 11:00 a.m.

The Standing Chapter 13 Trustee William Van Meter moved on proper notice for an order dismissing the above case (“Motion”, Docket #51), which incorporated by reference the Comments filed by the Acting United States Trustee (“US Trustee”)(Docket #'s 44-46), which requested the case be dismissed with prejudice for the Debtor’s bad faith. The Motion came on for hearing at the above stated date and time after a stipulated continuance. Trustee Van Meter,

1 Esq., appeared on his own behalf. William B. Cossitt, Esq. appeared for the US Trustee, along
2 with Robbin Little, whose supporting declaration had been filed. Robert H. Broili, Esq. appeared
3 for the Debtor, who was also present and who had filed an opposition to the Motion (Docket
4 #56). William M O'Mara, Esq., appeared for claimant Darren Evans, who was also present.
5 Other appearances were noted on the record.

6 The Court having read the pleadings, listened to the representations and arguments of the
7 parties, having reviewed its previous notes and findings from previous hearings and having put
8 its findings of fact and conclusions of law on the record in open court, including the
9 incorporation of earlier findings and conclusions from earlier hearings, pursuant to Federal Rule
10 of Civil Procedure 52 made applicable by Federal Rule of Bankruptcy Procedure 7052, and good
11 cause appearing;

12 IT IS HEREBY ORDERED that this case is DISMISSED with prejudice to the Debtor
13 filing another bankruptcy case in any jurisdiction for the period of three years following the entry
14 of this Order without applying for and obtaining the prior written permission of this Court.

15 IT IS HEREBY FURTHER ORDERED that all pending pleadings and hearings in this
16 case are vacated.

17 Respectfully submitted,

18 William B. Cossitt
19 State Bar #3484
20 300 Booth Street, #3009
21 Reno NV 89509
22 (775) 784-5335

23 /s/ WILLIAM B. COSSITT

24
25 Attorneys for Acting United States Trustee
26 August B. Landis

7753243313

12:27:30 09-19-2013

3 / 5

1 #56). William M O'Mara, Esq., appeared for claimant Darren Evans, who was also present.

2 Other appearances were noted on the record.

3 The Court having read the pleadings, listened to the representations and arguments of the
 4 parties, having reviewed its previous notes and findings from previous hearings and having put
 5 its findings of fact and conclusions of law on the record in open court [including the
 6 incorporation of earlier findings and conclusions from earlier hearings, pursuant to Federal Rule
 7 of Civil Procedure 52 made applicable by Federal Rule of Bankruptcy Procedure 7052, and good
 8 cause appearing;

9
 10 IT IS HEREBY ORDERED that this case is DISMISSED with prejudice to the Debtor
 11 filing another bankruptcy case in any jurisdiction for the period of three years following the entry
 12 of this Order without applying for and obtaining the prior written permission of this Court.

13 IT IS HEREBY FURTHER ORDERED that all pending pleadings and hearings in this
 14 case are vacated.

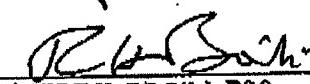
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 16 Respectfully submitted,

17 William B. Cossitt
 18 State Bar #3484
 19 300 Booth Street, #3009
 Reno NV 89509
 20 (775) 784-5335

21 /s/ WILLIAM B. COSSITT

22 Attorneys for Acting United States Trustee
 23 August B. Landis

24 APPROVED/DISAPPROVED this 20 day of Sept. 2013.

25 
 26 ROBERT H. BROILI, ESQ.
 27 Attorney for Debtor

1 APPROVED/DISAPPROVED this 14 day of September, 2013.

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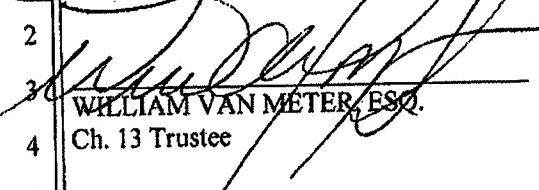
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WILLIAM VAN METER, ESQ.
Ch. 13 Trustee

10 APPROVED/DISAPPROVED this _____ day of _____, 2013.

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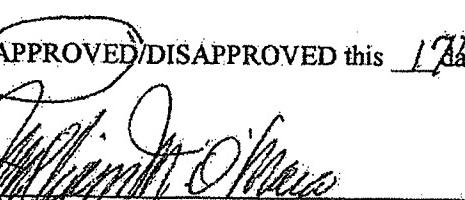

WILLIAM M. O'MARA, ESQ.
Attorney for Darren Evans

1 APPROVED/DISAPPROVED this ____ day of _____, 2013.

2

3 WILLIAM VAN METER, ESQ.
4 Ch. 13 Trustee

5 APPROVED/DISAPPROVED this 17th day of Sept, 2013.

6 
7

8 WILLIAM M. O'MARA, ESQ.
9 Attorney for Darren Evans

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In accordance with LR 9021(c), counsel submitting this document certifies as follows:

The court has waived the requirement set forth in LR 9021(b)(1).

No party appeared at the hearing or filed an objection to the motion.

X I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

WILLIAM VAN METER, ESQ., VIA E-MAIL September 18, 2013

ROBERT H. BROILI, ESQ., VIA E-MAIL September 18, 2013

ROBERT H. BROILI, ESQ., VIA FAX September 20, 2013

WILLIAM M. O'MARA, ESQ., VIA E-MAIL September 18, 2013

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

DATED this 20th day of September, 2013.

WILLIAM B. COSSITT

/S/ WILLIAM B. COSSITT
TRIAL ATTORNEY for the
Acting United States Trustee
August B. Landis